G. R. S. 58]

*Previous references.*

53 of 1899-1900. 1902-03.

( Police )

*Later references.*

Police File No. 33.

Serial Nos. 1-5

1 . 2 )

# GENERAL AND REVENUE SECRETARIAT.

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*Serial Nos.* 1-5

Major -Part B for September 03.

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SUBJECT.

Powers of the Mysore Police on Railway premises.

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81. 1. 12916. C. 1776. 29-5-03.
1253)

From

The Dist-Magte
Kolar Dist

Requests clear orders regarding the Power of Mysore Police on Railway premises.

GPB—3,500—21-7-12

Sl. 2. D.O. 29-6-03

To

The I.G. of Police
in Mysore.

Enquires what the practice is in C. and M. Stn with regard the powers of the Police.

Sl 3 D.O. 4-7-03.

From

I. G. of Police.

Replies to the above.

Sl. 4. J 166. 0252 30.7-03.

From

The Dist.-Magte,
Kolar Dt.

Requests early orders regarding the powers of Police within Railway limits.

Sl. 5. 660-68 18-9-03.

To,

The I. G. of Police
The Dy. Commr. Kolar.
The Dy Commrs. of all Districts.

Passes orders in the matter of arrest of offenders escaping into Railway limits under British jurisdiction.

K. Rangaswami.
Commr.
To

No. 5188-216—MIS. 995, DATED BANGALORE, 8TH NOVEMBER 1897.

ORDER.—The following compilation of papers *in re* direct correspondence between Durbar Officers and Officers of the British Government, is published for information and guidance.

C. SREENIVASIENGAR,
*Secy. to Govt., Gen. & Rev. Depts.*

To—Heads of Departments.
The Deputy Commissioners of Districts.

## Revenue Processes.

1. *Letter No. 280—60, dated 6th May 1885, from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

With reference to the correspondence ending with your letter No. 27, dated 17th October 1884, regarding the mutual direct service of revenue processes by Mysore and Madras Revenue officers, I am directed to forward, for your information, copy of letter No. 263 Mis., dated 18th April 1885, from the Government of Madras, expressing the opinion of His Excellency the Governor in Council that the existing arrangements under which these processes are reciprocally served, may with advantage be continued, and that the local authorities in the Madras Presidency will be instructed accordingly.

Enclosure to the above.

2. *Letter Political No. 263, Miscellaneous, dated 18th April 1885, from the Chief Secretary to the Government of Madras, to the Resident in Mysore.*

With reference to your letter No. 1490—780, dated 20th October 1884, I am directed to state that the existing arrangements by which money voluntarily paid is received and remitted by the British and Mysore States, may with advantage continue, and that notices of demands of arrears should be served by the British District officers at the request of those of Mysore and *vice versa*, no coercive process being applied on either side.

2. As it appears from your letter under reply that this course is accepted by the Government of Mysore, the Madras Board of Revenue has been desired to issue the necessary orders to British Collectors.

No. 1261-9—43, dated 15th May 1885.

ORDER.—Copy forwarded to Deputy Commissioners of Districts and Sub-Division Officers.

3. *Letter Camp No. 465, dated 13th June 1885, from the Secretary to the Dewan of Mysore, to the Deputy Commissioner, Tumkur District.*

His docket No. 187 of the 5th instant, enquiring with reference to this office Proceedings No. 1261-9—43 of 15th May 1885, if correspondence regarding the reciprocal service of revenue processes may be carried on by District officers in Mysore *direct* with those in Madras.

Has the honor to reply in the affirmative.

Camp No. 466-73, dated 13th June 1885.

Copy forwarded to other Deputy Commissioners and Sub-Division Officers for information and guidance.

**4.** *Letter No. 2394—4677, dated 29th July 1887, from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

I am directed to acknowledge the receipt of your office letters Nos. 1909-167 and 2152-130, dated 8th and 16th July 1887, respectively, regarding the recovery of arrears* of mohatarfa tax due to the Mysore Durbar from certain persons residing in the Civil and Military Station of Bangalore.

| | Rs. | a. | p. |
|---|---|---|---|
| Darjee Subba Row ... | 4 | 8 | 0 |
| Billan Khan ... | 14 | 7 | 0 |
| | 18 | 15 | 0 |

2. In reply, I am to inform you that the Officiating Resident will be happy to direct any notices of demand received from the Mysore Government to be served on persons residing in the Civil and Military Station, but that the officers of the Station do not seem, in his opinion, to be invested with any powers to enforce payment in such cases. The position seems to be the same in regard to revenue demands falling due in British India from persons residing in Mysore Territory, and this had, on one or two recent occasions, to be explained to Collectors in the Madras Presidency who applied to have payment of such demands enforced in the Mysore State.

3. I am to observe, however, that the amounts at stake in the few cases that occur on either side seem to be so trifling that it appears to Mr. Fitzpatrick hardly worth while to set about an amendment of the existing law.

4. The original papers said to have been forwarded with your office letters cited above, have not been received in this office.

No. 3028-9—Cir. 84, dated 23rd August 1887.

Copy of the foregoing is forwarded to the Deputy Commissioners of Kolar and Hassan for information with reference to their letters Nos. 323—87 of 3rd June and 160 of 9th July 1887, respectively.

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**5.** *Letter No. 3571—4677, dated 31st October 1887, from L. White King, Esq., C.S., Assistant to the Resident in Mysore, to the Dewan of Mysore.*

I am directed to acknowledge the receipt of your office letter No. 1426, dated 7th October 1887, applying for the recovery of arrears of revenue due to the Mysore State from persons residing outside the State.

2. In reply, I am to refer you to my letter No. 2394—4677, dated 29th July 1887, and to say that the remarks therein contained apply with equal force to arrears of revenue due to the Durbar by persons residing in British Territory.

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**6.** *Letter No. 2913—7375, dated 28th August 1888, from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

With reference to your office letter No. 3705—258, dated 15th August 1888, I am directed to refer you to the correspondence ending with Mr. Martindale's letter No. 280—60, dated 6th May 1885, and to say that direct communication should be maintained between the Collectors in British India and the District officers in Mysore in regard to the service of notices for arrears of revenue.

2. The original enclosures of your office letter under reply are herewith returned.

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## Criminal Processes.

**7.** *Proceedings of the Dewan to His Highness the Maharaja of Mysore (Judicial).*

READ:—Letter from the Deputy Commissioner of the Kolar District, No. 707—297, dated the 12th August 1881.

*No. 4100-7—114, dated Bangalore, 17th August 1881.*

ORDER THEREON.—The propriety of enforcing Act XIII of 1859 in Mysore is under consideration. Meanwhile, warrants issued from the Civil and Military Station of Bangalore, which is assigned and not British Territory, should be treated like warrants in other parts of the Mysore Province.

General, dated 8th November 1897.

**8.** *Letter No. 50, dated Bangalore, 2nd September 1881, from the Dewan of Mysore, to the Resident in Mysore.*

In forwarding the accompanying copy of Proceedings No. 4100-7—114 of the 17th August 1881, I have the honor to request that such general instructions may be issued as may be considered necessary to facilitate the execution of warrants of the Magistrates in this Province in the Civil and Military Station of Bangalore. As the Extradition Rules do not apply to it, there is no reason why the warrants should not be given effect to by the Magistrates themselves without reference to the head office

**9.** *Letter No. 1409—G. 281, dated Bangalore, 5th September 1881, from Assistant to the Resident in Mysore, to the Dewan to His Highness the Maharaja of Mysore.*

With reference to your letter No. 50 of the 2nd instant, I am desired by the Officiating Resident to forward for information copy of a letter this day addressed to the Magistrate of the Civil and Military Station of Bangalore in regard to the execution of warrants between Magistrates in the Station and the Mysore Province

Enclosure to the above.

**10.** *Letter No. 1407—J. 502, dated Bangalore, 5th September 1881, from the Assistant to the Resident in Mysore, to the Magistrate, Civil and Military Station, Bangalore.*

In reply to your letter No. 142—14 of the 29th August, I am desired by the Officiating Resident to observe that as the Civil and Military Station of Bangalore is not British but Mysore Territory, processes of criminal courts of the Station and of the Mysore State may be freely exchanged and executed between the Station and the interior of Mysore.

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**11.** *Letter No. 104—25, dated Bangalore, 13th April 1883, from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

With reference to your Secretary's letter No. 27, dated 9th instant, applying for a warrant under the Extradition Act addressed to the Officer Commanding 15th Regiment, M. N. I., Bangalore, for the surrender to the Mysore authorities of one Jamaludin *alias* Abdul Wahab, who is accused of having committed the offence of theft in the Kolar District, I am directed by the Resident to state that as the Civil and Military Station of Bangalore, in which the accused person is said to reside, is Mysore Territory and not part of British India, it is inappropriate to apply the Extradition Act in the present case. The proper course seems to be for the District Magistrate of Kolar to issue his own warrant for the arrest of the accused person, and to send it to the District Magistrate of the Civil and Military Station for execution. I am at the same time to invite your attention to this office letter No. 1409—281, dated 5th September 1881, to the late Dewan, stating that processes of criminal courts may be freely exchanged and executed between the Civil and Military Station and the interior of Mysore.

2. The original enclosures of your Secretary's letter are herewith returned.

**12.** *Letter No. 1612—294, dated 10th November 1884, from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

I have the honor, by desire of the Resident, to convey to you (in para 8 of this letter) for the information of the Government of His Highness the Maharaja

the orders of the Government of India regarding the surrender of criminals between the Civil and Military Station of Bangalore and the Mysore State.

2. The correspondence which led to these orders being passed may be briefly stated as follows:—

In July 1883 the Government of India, in acknowledging the receipt of a copy of the correspondence which passed between the Resident and the Durbar in the case of one Jamaludin *alias* Abdul Wahab, observed that the procedure in cases of extradition between the Civil and Military Station of Bangalore and the State of Mysore appeared to be governed by rules framed in 1881, and requested, if such was the case, that the Foreign Office might be furnished with a copy of the rules in question.

3. In answer to this letter, Mr. Lyall informed the Government of India that no rules on the subject under reference had been passed; but that the question having arisen in 1831, the then Officiating Resident (Mr. Sandford) had expressed the opinion that criminal processes might be freely exchanged and executed between the Civil and Military Station and Mysore, as the former was not British but Mysore Territory. Mr. Lyall added that the Government of His Highness were also of the same opinion, and that by virtue of the orders then passed there was now complete reciprocity in the execution of criminal processes between the Station and Mysore.

4. In reply to the above, the Government of India observed that the orders passed by Mr. Sandford and the Durbar appeared to be based upon an imperfect apprehension of the circumstances of the case. While admitting that the Civil and Military Station was no doubt Mysore Territory in that the ultimate sovereignty over it remained with the Maharaja, the Government of India pointed out that the exclusive management of the tract comprising the Civil and Military Station had been assigned to the British Government and that His Highness had expressly renounced all jurisdiction within it and that consequently it did not by any means stand on the same footing with the districts of the Mysore State in regard to matters of jurisdiction, the Government of India could not therefore accept the theory put forward by Mr. Lyall's predecessor and the Durbar.

5. The Government of India then proceeded to observe that on the one hand the rules issued by the Durbar having never been sanctioned by the Governor General in Council were not expressly binding on British Courts, and that on the other a strict adherence to the provision of the Extradition Act was unnecessary and would probably be inconvenient, and suggested the adoption of a set of rules to meet the requirements of the case.

The Government of India forwarded at the same time for the Resident's consideration a copy of the rules framed to regulate the surrender of criminals between the Cantonment of Secunderabad and the Hyderabad State, and which it was remarked might be made adaptable to the Civil and Military Station.

6. After a very careful consideration of the rules immediately above referred to, the Resident came to the conclusion that their adoption as between the Civil and Military Station and Mysore was for several reasons undesirable, and in his reply to the Government of India Mr. Lyall stated fully the grounds of his objections to them.

7. It will be unnecessary for the purposes of the present communications to detail the arguments advanced by the Resident in support of his views. It will be sufficient to state that the conclusions arrived at by Mr. Lyall were, first, that a freer procedure might safely be allowed between the Civil and Military Station and the rest of Mysore than between the Cantonment of Secunderabad and the rest of Hyderabad; and secondly, that as the Magistrates of Mysore receive direct and execute all criminal processes of the Magistrates of British India, there was nothing of itself anomalous or inconsistent with the complete jurisdiction of the British Government in the Civil and Military Station of Bangalore in the arrangement made by Mr. Sandford and the Dewan. Mr. Lyall asked the Government of India to reconsider the question then before them and recommended that the arrangements made by Mr. Sandford and the Durbar in 1881 for

the reciprocal recognition and execution of all criminal processes issued respectively by Mysore and Civil and Military Station Magistrates, might be sanctioned by the Governor General in Council.

8. The continuance of these arrangements, I am to say, has now been formally sanctioned by the Governor General-in-Council

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**13.** *Letter No. 5552—155, dated Bangalore, 29th October 1892, from the Registrar of the Chief Court of Mysore, to the Chief Secretary to the Dewan of Mysore.*

I am directed to forward for the consideration and orders of Government the question raised by the District Magistrate of Kolar, in his letter No. 1287—844 of the 22nd instant, copy of which is enclosed, whether distress warrants issued by the Courts in the Civil and Military Station, Bangalore, can be executed in Mysore, and to state that, in the opinion of the Judges, there ought to be reciprocity of action in the matter; more especially as the Civil and Military Station forms part of the Territories of Mysore. It seems desirable to come to a definite understanding on the point, and to issue a notification so as to remove all doubts.

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Enclosure to the above.

**14.** *Letter No. 1287—844, dated Kolar, 22nd October 1892, from the District Magistrate of Kolar, to the Registrar of the Chief Court of Mysore, Bangalore.*

I have the honor to state that the Second Magistrate, Civil and Military Station, Bangalore, has fowarded to this Court for execution a warrant to enforce the payment of maintenance by distress and sale of defendant's property under Section 488 of the Criminal Procedure Code, in Criminal Miscellaneous Case No. 101 of 1892 on the file of his Court. I beg to be informed whether distress warrants issued by the authorities in the Civil and Military Station, Bangalore, can be executed in Mysore, or whether the instructions contained in your letter No. 1441—173 of the 3rd April 1891, to the address of the Sessions Judge, Nundydrug Division, are also applicable to the case under reference.

An early reply is solicited.

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Enclosure to Registrar's letter No. 5892—160, dated 14th November 1892.

**15.** *Letter No. 1441—173, dated Bangalore, 3rd April 1891, from the Registrar of the Chief Court of Mysore, to the Sessions Judge, Nundydrug Division.*

In reply to your letter No. 555—249 of the 14th February last, forwarding copy of a docket from the District Magistrate of Kolar, bringing to notice that the District Magistrate of North Arcot returned, unexecuted, a fine levy warrant, issued in Kolar Sessions Case No. 3 of 1890, I am directed to state that the notification quoted by the District Magistrate does not seem to apply to distress warrants. The Madras High Court, in Proceedings dated 28th July 1879 (see Weir's Digest page 987), held that not only Mysore distress warrants cannot be executed in British India, but similar warrants issued by the authorities in Madras also cannot be executed in Mysore.

2. In para 15 of their letter No. 84 J., dated 25th June 1878, printed at page 21 of the late Chief Commissioner's Proceedings for July 1878, the Government of India have expressed themselves very guardedly. They say that "the processes of Mysore Courts would be respected in British India to the extent and in the manner provided for by Act XI of 1872, and by the Civil Procedure Code, the services of summonses being ensured by executive orders." A distress warrant is not referred to in Act XI of 1872.

**16.** *Letter No. 13138—J. F. 158-92, dated 27th January 1893, from the Dewan of Mysore, to the Resident in Mysore, Bangalore.*

I have the honor to forward herewith for your consideration, copies of the correspondence specified in the margin, regarding the execution by the Courts in Mysore of fine warrants issued by criminal Courts in the Civil and Military Station of Bangalore and *vice versa*.

1. Letter No. 5552—155, dated 29th October 1892, from the Registrar of the Chief Court, to the Chief Secretary.

2. Letter No. 1287—844, dated 22nd idem, from the District Magistrate of Kolar, to the Registrar, Chief Court.

3. Letter No. 1411—173, dated 3rd April 1891, from the Registrar, Chief Court, to the Sessions Judge, Nundydrug Division, referred to in the above letter.

2. Durbar concurs in the view taken by the Judges of the Chief Court that it is desirable that there should be a reciprocity of action in the matter. Should you also concur in this opinion, I request that the Government of India may be moved to issue a notification as suggested by the Chief Court.

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**17.** *Letter No. 634—726-85, dated Bangalore, 24th February 1893, from the First Assistant to the Resident in Mysore, to the Dewan of Mysore.*

I am directed to acknowledge the receipt of your letter No. 13138—J. F. 158-92, dated the 27th January 1893, requesting that the Government of India be moved to issue a notification establishing reciprocity of action in the matter of criminal distress warrants between the Civil and Military Station of Bangalore and the Mysore State.

2. In reply, I am to invite your attention to this office letter No. 1612-264 and to letter No. 34 from the Mysore Government to this office, dated the 10th and 19th November 1884, respectively, and to inform you that a notification by the Government of India appears to be superfluous, as they have accorded their formal sanction to the arrangements of 1881 under which reciprocity of action in respect of all criminal processes existed between the Civil and Military Station and the Mysore State.

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**18.** *Letter No. 16793—J. F. 158-92, dated 13th April 1893, from the Chief Secretary, to the Registrar of the Chief Court of Mysore.*

With reference to your letter No. 5552—152, dated the 29th October last, soliciting orders of Government as to whether distress warrants issued by the courts in the Civil and Military Station can be executed in Mysore or not, I am to observe that complate reciprocity exists between the Civil and Military Station of Bangalore and the rest of the Mysore State as regards the execution of all criminal processes by virtue of the arrangement existing between the Durbar and the British Government since the Rendition of 1881, and that there is no reason to think that the distress warrants in question are other than "criminal processes."

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## Police.

**19.** *Letter No. 7382-7317, dated Bangalore, 6th November 1889, from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

In continuation of previous correspondence, I am directed to enclose for your information a copy of a letter addressed to the District Superintendent of Police in the Civil and Military Station on the subject of direct correspondence between him and officers of the Mysore State.

2. I am to suggest the expediency of your issuing similar orders to your subordinate officers as regards their conviction registers.

*General, dated 8th November 1897.*

Enclosure to the above.

**20.** *Letter No. 3781-7347, dated Bangalore, 6th November 1889, from the Assistant to the Resident in Mysore, to the District Superintendent of Police in the Civil and Military Station of Bangalore.*

In modification of previous instructions on the subject of direct correspondence with officers of the Mysore State, I am directed to state that extracts from conviction registers may in future be forwarded by you direct to the officers concerned.

2. I am to return the sixteen extracts received from your office on the 2nd instant for direct transmission to the addressees.

**21.** *Letter No. 6426-703, dated 18th November 1889, from the Chief Secretary to the Dewan of Mysore, to the Inspector General of Police in Mysore.*

Forwards for information and guidance and for communication to Police officers the accompanying copy of a letter No. 3782-7347, dated the 6th November 1889, from the Assistant to the Resident, and of its enclosure, with the remark that the procedure laid down in the Resident's instructions to the Civil and Military Station Police will be adhered to in future by the Police of the State.

**22.** *Letter No. 1892-76, dated the 19th May 1891, from the Chief Secretary to the Dewan of Mysore, to the Assistant to the Resident in Mysore.*

I am directed to request that you will be good enough to move the Resident to accord a genenal permission for direct correspondence in Police matters between the Mysore Police and the Police of the Civil and Military Station.

2. Results in Police work depend much on quickness and promptitude in interchange of information, and the freedom which exists for direct correspondence between the Mysore Police and the Police of adjoining British Collectorates has in no small degree contributed to diminution and sometimes entire suppression of crime on the frontier.

3. Similar freedom in respect of interchange of communications, such as furnishing information of crime, circulating lists of stolen property, and other intelligence for the detection and perhaps even for prevention of crime, between the Civil and Military Station Police and the Mysore Police, should prove equally beneficial, as offences committed in the districts are sometimes traced to bad characters who live within Civil and Military Station limits, and probably also *vice versa*.

4. At present, extracts from conviction registers may alone be exchanged direct.

**23.** *Letter No. 1652—734-7, dated Bangalore, 1st June 1891, from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

I am directed to acknowledge the receipt of your letter No. 1892-76, dated 19th May 1891, in which you ask that a general permission for direct correspondence in Police matters between Mysore Police and Police of Civil and Military Station may be accorded.

2. In reply, I am to inform you that the Resident regrets he is unable to accord the sanction to any general permission, as it is opposed to the rules and custom in use under the Government of India, but he is prepared to grant permission for direct correspondence in matters such as those referred to in paragraph 3 of your letter, namely:—

(i) furnishing information of crime,
(ii) circulating lists of stolen property,
(iii) intelligence of an urgent nature for detection and prosecution of crime.

No. 2568—230, dated 10th June 1891.

ORDER THEREON—Communicated to the Inspector General of Police for information and guidance.

## RAILWAYS.

**24.** *Letter No. 1901—130, dated 21st November 1887, from the Inspector General of Forests and Plantations in Mysore, to the Chief Secretary to the Dewan of Mysore.*

Referring to your docket No. 4431-40—C.r. 110, of the 12th instant, forwarding copy of a resolution by the Bombay Government No. 2238 of the 8th ultimo, and requesting that all communications addressed to the officers of the Southern Mahratta Railway Company may be sent to your office for transmission to the addressees through the Resident and the Bombay Government, I have the honor to state that if intercommunications between the officers of the Durbar and the Southern Mahratta Railway officers be interdicted, serious inconvenience and delay will probably arise, particularly in cases of fuel supply, payments for the same, or the sleepers for which bills are made out monthly and sent to the Superintendent, Way and Works, for acceptance, and generally in all petty matters connected with accounts, &c., which the local officers of the Company and the Durbar officers may settle between themselves. Under the new arrangement I presume all letters addressed by District and Forest officers to the officers of the Company have to pass first through my office, thence yours, and lastly through the Resident's office, which procedure would simply increase correspondence and cause unavoidable delay.

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**25.** *Letter Camp No. 1894, dated 25th November 1887, from the Chief Secretary to the Dewan of Mysore, to the Assistant to the Resident in Mysore.*

I am directed to forward, for such action as you may deem necessary to take, copy of letter No. 1901-130, dated 20th November 1887, from the Inspector General of Forests and Plantations, representing the inconvenience which would probably arise in interdicting direct communications with the officers of the Southern Mahratta Railway Company, and to add that in the opinion of the Dewan, considerable delay might occur in adhering to the procedure laid down, and that as a modification, he would suggest that all routine correspondence, such as are enumerated by Mr. Ricketts, might be conducted as heretofore.

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**26.** *Letter No. 563-65-67—En. 1, dated 16th February 1888, from Major D. Robertson, Assistant to the Resident in Mysore, to the Dewan of Mysore.*

With reference to your office letter Camp No. 1894, dated the 25th November 1887, I am directed to forward for the information of the Durbar a copy of Resolution No. 229, dated the 31st January 1888, of the Government of Bombay in the Public Works Department, modifying the orders contained in Resolution No. 2238, dated the 8th October 1887, in so far as to admit of direct correspondence between the officers of the Southern Mahratta Railway Company and those under the Durbar on points of detail clearly included within some outline already distinctly traced and approved by the Bombay Government.

Enclosure to the above.

Southern Mahratta Railway, Mysore Railway.—Direct official communication between the officers of the Mysore State and of the Railway.

No. 229 OF 1888, P. W. DEPARTMENT, RAILWAY.

BOMBAY CASTLE, *31st January 1888.*

READ AGAIN

Government resolution No. 2238, dated 8th October 1887.

*General, dated 8th November 1897.*

Memorandum No. 210, dated 11th January 1888, from the Political Dept.

Transfers letter No. 4039-6567, dated 16th December 1887, from the Resident in Mysore, and enclosures, enquiring whether it may be presumed that the procedure prescribed in the above quoted resolution, prohibiting direct official communication between the Mysore State and the Southern Mahratta Railway officers, is not to be adopted in matters of mere routine.

*From the Consulting Engineer for Railways, dated 23rd January 1888.*

Submits letter No. 69, dated 14th January 1888, and accompaniments, from the Agent, Southern Mahratta Railway Company, on the same subject.

RESOLUTION.—The Governor in Council is pleased to modify the orders contained in Bombay Government Resolution No. 2238, dated 8th October 1887, regarding direct official communication between the officers of the Southern Mahratta Railway Company and those under the Mysore Government, in so far as to admit of direct correspondence on points of detail clearly included within some outline already distinctly traced and approved by Government. The Agent, Southern Mahratta Railway Company, should submit proposals showing the extent to which he considers such correspondence may be permitted.

Camp No. 2577-9, dated 19th February.

Copy of the above is forwarded to the Deputy Commissioners of the Bangalore, Tumkur and Chitaldrug Districts for information.

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**27.** *Letter No. 1382-6567, dated Bangalore, 24th April 1888, from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

In continuation of my letter No. 563-6567, dated 16th February 1888, I am directed to forward for the information of the Durbar a copy of the resolution of the Government of Bombay in the Public Works Department, No. 724, dated the 7th instant, authorizing direct correspondence between Durbar officials and the officers of the Southern Mahratta Railway Company of and above the rank of a Sub-Divisional Officer, on routine matters, such as the supply of fuel, &c.

S. M. Railway, Mysore Railway.—Direct official communication between the officers of the Mysore State and of the Railway.

No. 724 of 1888, P. W. DEPARTMENT, RAILWAY.

BOMBAY CASTLE, *7th April* 1888.

READ AGAIN:—Government Resolution No. 229 of 31st January 1888 from the Consulting Engineer for Railways, No. 2099, dated 26th March 1888. Submits the following letter No. 5254-2095 of the 16th idem, from the Agent and Chief Engineer, Southern Mahratta Railway Company—

"With reference to Government Resolution No. 229, dated 31st January 1888, I have the honor to inform you I see no reason why the Company's officers should not correspond with the Mysore State officials on matters of routine affecting the Company's business, in the same manner as the Southern Mahratta Railway officers communicate direct with the officials of the British Government on like subjects.

2. "The Agent is nominally the sole channel of communication between the Company's officers and Government, but in practice on this and other Guaranteed Railways the Company's officers communicate with Government officials in regard to such questions as may arise in connection with fuel supplies, land, and the ordinary business of the railways as carriers, &c., the Agent dealing with the Consulting Engineer on questions relating to policy, projects, sanctions, and such subjects as require the approval or sanction of the Secretary of State; and the same procedure with regard to the railway might very advantageously be adopted.

"RESOLUTION.—The Governor General in Council is pleased to approve of the proposals of the Agent and Chief Engineer, Southern Mahratta Railway Company. Direct official correspondence should, however, be confined to officers of the Southern Mahratta Railway Company and no one under the rank of a Sub-Divisional Officer, *i.e.*, an Assistant Engineer or other officer holding analogous rank, should be permitted to correspond on any matter with Mysore Government officials."

No. 866-73—Cir. 23, dated 9th May 188..

Copies of the foregoing are forwarded to Deputy Commissioners of Districts for information and guidance.

## Other Correspondence.

**28.** *Extract from Letter No. 272-15, dated Bangalore, 7th May 1883, from the Assistant Resident in Mysore, to the President, Municipal Commission, Civil and Military Station.*

It has been arranged with the Durbar that official correspondence shall hereafter be carried on between the officers of the Civil and Military Station and of the Mysore State through the Resident on one side and the Dewan on the other. This rule will in future be strictly observed by all officers in the Civil and Military Station.

**29.** *Extract from Proceedings No. 1078-9—5, dated 6th June 1883.*

4. The attention of all officers of the Mysore Government is drawn to the arrangement entered into between the Durbar and the Resident and referred to in the concluding paragraph of the Assistant Resident's letter above read at regards official correspondence between the officers of the Mysore Government, and of the Civil and Military Station

**30.** *Extract from Residency Letter No. 836-133, dated 11th July 1884.*

6. The Resident has no objection whatever to make to any of the arrangements made or to the conditions specified in Secretary to Mysore Government Public Works Department Letter No. 3436 of 20th November last; but he wishes to point out that, in Bangalore as elsewhere, it has always been the rule for the Military authorities to communicate with the Durbar through the Resident, and that in a matter like this of an important and permanent character in which orders of the Government of India were carried out to completion, it was clearly necessary that this course should have been followed. The Durbar will also recollect that only some three months before this correspondence began, Sir James Gordon, with reference to the difference between the District Magistrate, Civil and Military Station, and the Secretary to the Mysore Government Public Works Department, on the subject of the Miller's tank channels, passed orders strictly requiring all correspondence other than simple routine between officers of the Civil and Military Station and the Durbar to pass through the Resident's office. It is believed that you also issued similar instructions to officers of the Mysore Government. Mr. Lyall is therefore surprised that the necessity was not perceived in this case.

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**31.** *Extract from Residency Letter No. 1776, dated 20th May 1895.*

3. I am to observe that a perusal of the papers relating to this subject shows that direct correspondence has taken place between the President of the

*General, dated 8th November 1897.*

Municipal Commission and officers of the Mysore Government. This procedure is opposed to the established custom and has resulted in unnecessary delay. In this connection attention is invited to this office letter No. 836—133, dated the 11th July 1884.

**32.** *Extract from Residency Letter No. 4061, dated 12th October 1895.*

3. I am to add that the present case serves as an illustration of the delay and inconvenience caused by direct correspondence between the Durbar and the Military authorities. The Resident trusts that the requests made in this office letters marginally noted will be carefully complied with.

No. 1776, dated 20th May 1895, and No. 2093, dated 11th June 1895.

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**33.** *Letter No. 4781, dated Bangalore, 2nd December 1895, from the First Assistant to the Resident in Mysore, to the Dewan of Mysore.*

The General Officer Commanding the Bangaloro District has represented that much inconvenience has been experienced by Military officers not being allowed to correspond direct with the Durbar officers on such subjects as rice certificates and other minor details connected with recruiting for regiments, and he has asked the Resident whether in such small matters which require prompt settlement, direct correspondence may not be permitted.

2. Direct correspondence on the subject of rice certificates would be unobjectionable, but opinions are liable to differ as to whether certain matters are "of minor detail" or not, and considerable inconvenience has been experienced in this office by direct correspondence having been carried on on a subject which, though at the outset seemingly trivial, afterwards assumed a greater or less degree of importance. Mr. Mackworth Young is however of opinion that it is quite possible to make certain exceptions to the procedure referred to in para 3 of this office letter No. 4061 of the 12th October last, and is inclined, after consulting the local Military authorities, to allow direct correspondence on the following subjects:—

(1) Supplies for troops at field training.
(2) Relative to recruiting parties in districts.
(3) Relative to claimants for family pension.
(4) Rice certificates.

3. I am to enquire whether the Durbar sees any objection to the proposal.

---

**34.** *Letter No. 6483—Pol. 187, dated 4th December 1895, from the General Secretary to the Government of Mysore, to the First Assistant to the Resident in Mysore.*

I am directed to acknowledge the receipt of your letter No. 4781, dated 2nd instant, and in reply to state that the Durbar have no objection to the British Military authorities corresponding direct with the officers of the Mysore State in matters indicated in para 2 of your letter under reply.

---

*Official Memo No. 7614-21—Mis. 1190, dated Bangalore, 8th January 1896.*

The foregoing copies are forwarded to the Deputy Commissioners of Districts for information and guidance.

*General, dated 8th November 1897.*

**39.** *Letter No. 4508, dated 29th October 1897, from the First Assistant to the Resident in Mysore, to the Dewan of Mysore.*

With reference to your letter No. 3290—P. F. 17-96, dated the 10th ultimo, I am directed to state that, after consulting His Excellency the Lieutenant General Commanding the Forces, Madras, the Resident has no objection to the addition of the following subjects to those in respect of which direct correspondence has been permitted in this office letter No. 723 of the 2nd March 1896 between the Military authorities and the officials of the Mysore State—

(1) Commissariat and Transport Resource Reports.
(2) Extracts from Long Rolls of Deserters.
(3) Supplies to troops marching on permanent transfer.
(4) Price lists.

2. In connection with questions relating to the leasing of Mysore Government Plantations and of City Municipal lands for hay growing purposes and to complaints concerning kavals as regards trespass, encroachments, cattle-pound authorities, etc., His Excellency the Lieutenant General concurs with Colonel Robertson that correspondence on these matters should pass through this office and that of the Dewan of Mysore.

**40.** *Proceedings of the Government of Mysore (General).*

READ—

Letter No. 3631, dated 2nd September 1897, from the First Assistant to the Resident in Mysore.
Letter No. 3290—P. F. 17-96, dated 10th September 1897, to do do.
Letter No. 4508, dated 29th October 1897, from do do.

No. 5326-35—MIS. 1035, DATED BANGALORE, 11TH NOVEMBER 1897.

ORDER—The foregoing correspondence will be communicated to the Deputy Commissioners of Districts, the Conservator of Forests and the President, Bangalore City Municipality, for information and guidance.

C. SREENIVASIENGAR,
*Secy. to Govt., Gen. & Rev. Depts.*

Exd—C.V.

1897-98

# GOVERNMENT OF MYSORE

GENERAL

PROCEEDINGS

*Dated 8th November 1897*

No. 5188-216
Mis. 995

Publishing papers regarding direct correspondence between Durbar Officers and Officers of the British Government.

SBP—14-12-1900—150

OFFICE OF THE DEWAN OF MYSORE,
(REVENUE AND GENERAL DEPARTMENTS).

**(Full Office Note.)**

†1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

†
**Subject.** Powers of Mysore Police on Railway premises.

Letter No C. 1776 dated 29th May 1903, from the Deputy Commr and District Magistrate, Kolar District.

*
**Note.**

The Dt Magte states that considerable doubt exists as to the powers of the Mysore Police with regard to the following up and arrest of offenders who having committed, or being suspected of having committed offences in Mysore Territory, escape into Railway limits, of those Railways which have been handed over to the jurisdiction of the British

Mysore Government. He further states that under condition 15 of the Instrument of Transfer, the Mysore Govt have renounced all jurisdiction within such Railway limits and hence the question arises how far the Mysore Police have powers to arrest within Railway premises even in cases of urgency. From First Assistant Resident's letter No 104-25 dated 18th April 1883, published at page 3 of Govt Proc: No 5788-24 Mis-995 dated 8th November 1897, it appears that the C&M. Station of Bangalore, being Mysore Territory, processes of Criminal Courts can be freely exchanged and executed between it and the Mysore State. The Dep. Commr states that in

* copyist up

in respect to lands
within the Railway limits
it has been laid down
in Govt orders No 4575/457
dated 22nd September 1900,
that "lands within the
Railway limits to be deemed
to comprise Mysore
and not Cantonment Secretary
though the jurisdiction
over it has been ceded
to the British Government,
and the Police of the
C. & M. Station, Bangalore
may pursue and arrest
offenders in any part
of Mysore, without a warrant
from a Magistrate,
in the same way as
the Cantonment Police"

p Flag A -

The Dy Magte is of opinion
that the above
orders make it clear
that the lands within
the Railway limits are

that although the 18 powers of the Civil and Military & Police are defined, nothing is said as to what powers the Mysore Police can exercise in their turn within the Railway premises. He states that much inconvenience would be the result if the Mysore Police have no power to arrest within Railway limits, and requests the Govt to clearly define the powers of the Mysore Police on Railway pre and if necessary, to refer the question to the Hon'ble the Resident for his authoritative opinion.

As per Part I of the Notification of the Govt of India, No 507-1 dated the 6th February 1896 "All laws for the time being in

in force in the Civil and Military Station of Bangalore, shall be deemed to be in force in the aforesaid lands (viz, lands occupied as Stations outbuildings and for other railway purposes); and as per letter of the Resident No 1407-J 502 dated 5th September 1881 (printed on page 8 of Govt Progs: No 5188 dated 8th November 1897), powers of Criminal Courts of the Station and of the Mysore State may be freely exchanged and executed between the Station and the interior of Mysore. Govt Progs: No 4675-24 dated 22nd Sept 1900, it has been held that the lands within the Railway limits comprise Mysore, not British Territory, though the jurisdiction over it has been ceded to the British Govt

copy put up

* Flag A

It follows therefore that no extradition warrant is necessary for the Mysore Police to arrest offenders escaping into Railway premises

The District Magte, may if approved, be informed that the lands within the Railway limits comprise Mysore, not British Territory, though the jurisdiction over it has been ceded to the British Govt, and as in the case of the C. & M. Station of Bangalore, the Police of the Mysore State, may pursue and arrest offenders escaping into the said Railway limits without an extradition warrant, or the Inspector Gl. may be asked to report the practice in the other Railway Station limits.

Submitted for orders

GA
6/4/03

A

The view expressed in the Order of 22nd Sept 1900, about the competence of the Civil and Military Station police to arrest offenders in Mysore territory without a warrant, seems to be wrong in principle, and to have been due to a misapprehension as to the meaning of the following passage in Residency letter No.1407-J.502 dated 5th Sept 1881:-- "As the Civil and Military Station of Bangalore is not British but Mysore territory, processes of Criminal Courts of the Station and of the Mysore State may be freely exchanged and executed between the Station and the interior of Mysore." Please see also paras 7 and 8 of the Residency letter of 10th Nov 1884 No. 1612-264, wherein the formal sanction of the Government of India is stated to have been given to the continuance of the arrangement made in 1881 "for the reciprocal recognition and execution of all criminal processes issued respectively by Mysore and Civil & Military Station Magistrates." It is obvious that the reference in both letters is to criminal processes issued by the Courts of the two Governments, (which processes are to be reciprocally executed, i.e. the processes of each Government by the authorities of the other,) and not to the powers of the Police of one Government to arrest without warrant in territory under the administration of the other. Such a power cannot, it seems to me, be exercised without reference to the local authority of the place concerned; indeed, strictly speaking, it cannot be exercised at all but by the local officers, who may however be assisted in the act of arrest by the Police of the other Government.

Vide paper no 10 in printed Collection of direct correspondence.

Paper no 12 in the same Collection.

The power to arrest is a part of the effective jurisdiction of a State; and the entire jurisdiction over certain Railway lines in Mysore having been ceded to the British Government, is it not a contradiction in terms to assume that our officers, Police

or Judicial, can lawfully exercise any jurisdiction on such lines ? It seems even more obviously inconsequential to hold (as in the order of 22nd Sept 1900) that the Officers of a Foreign Government can exercise jurisdiction in territory purely under Mysore administration merely because they happen to be employed in a locality the plenary jurisdiction over which has been ceded by us to that Government. Plenary jurisdiction and ultimate sovereignty are two entirely different things: the ~~former~~ latter is only a dormant right; and the fact that this ultimate sovereignty vests in Mysore in regard to the tracts which she has ceded, can neither the jurisdiction over on the one hand, give her ~~any~~ right to exercise jurisdiction in such tracts, nor, on the other ~~hand~~, authorise any other Government to exercise jurisdiction in lands which she herself continues to administer.

For these reasons I venture to ~~doubt~~ question the soundness of the Order of Sept 1900, which ~~seems~~ seems to require modification or cancellation; and I think, in the next place, that the question raised by the Kolar District Magistrate, viz. whether our police officers can pursue and arrest offenders in ceded tracts, must be answered in the negative. Any practical inconvenience such as that mentioned by Mr Carr is likely to be reduced to a minimum if our Police officers will only take timely steps to invoke the assistance of the British Police; and the inconvenience cannot be greater in the case of ceded railways in Mysore than in the case of British territory on our frontiers. It seems inexpedient to make a reference to the British Resident ( as suggested by the District Magistrate), as it is not likely to result in our obtaining any concessions.

K.S. Chandrasekhara Aiyar
9.6.03

Yes - the order of 22/9/00 did not intend to go beyond [illegible] 16/7/03 - however we ought to [illegible]

Such questions cannot, it seems to me be disposed of on mere deductions (logical or other) from cognate principles already accepted. We have no jurisdiction over European Br Subjects: but the Br-Govt have given ~~us~~ our Police Offrs certain powers in the matter. In the same manner, whether our Police have or have not jurisdiction should be decided on a consideration of precedents and mutual understanding.

The order of Sept 1900 was passed after Consultation with the Ct M-Police; and its object was to concede the legality of the Police of Ct M's pursuing Offenders in either jurisdiction. This is a Converse Case. and the

same principle should be applied in favour of our Police. I do not see why, if a reference is made to the Residency, a different view should be taken. But as the Power of our Police has not been actually questioned, we need not make a reference. The Draft Maste of Kolar may be informed that the principle of the order quoted applies and that our Police may act accordingly: (Draft put up)

Hm
17/6/3.

The Dewan

Dewan's remark (on draft):-
"I shall be glad to be favored with the views of the IInd Counsellor in this matter."
(Sd) P. N. K. 20.6.03.

J.285/23-6-03

To the IInd Counsellor
(Sd) H.V.N. 22.6.03.

Dy the City Police may ~~[illegible]~~ the City Police in this for me (Sd) soon
(D.O. to I.G. of Police) Hm 27/6/03

26/6/03

Dy put up 4/7/03

Note Continued —

In reply, the Inspector Gener
states that the practice is
that the local Police, are being
requested by the other Police,
make the arrest and hand
over the arrested person
with the permission of the
local Magistrate, and that
neither the City Police nor
the Station Police make
arrests as their own det
without reference to the Pol
of the place. He observes
that this procedure is in
Conformity with the
instructions laid down
in Government Progs: No. 457
-24 — J 457 Dated the 2nd
September 1924

Submitted for orders

6/9/03

The reference suggested is made
in proper terms. Please send the
enclosed D.O. letter a reply.

Please let me see the
order quoted in the D.O. letter

Vide Flag A

6/10/03 15/7/03 15/7/03

Submitted to the 2nd
Councillor Hon
15/7/13

(5-7-13)
63
5.7.03

I cannot think any
objection can be taken
to arrests made with
the aid of the Police
of the Area concerned – arrests without such aid
This is what is meant by
in Bangalore. This was seem objec-
what was done in the -tionable
case to which the order of
2nd September 1900 relates
It is unfortunate that that
order was not properly
worded. The question then
before Court was whether
an arrest in Mysore made by the
Railway Police
with the aid of the Mysore
Police was not irregular
by reason of the absence
of a warrant from a
Magistrate. The finding
was that that arrest was
not irregular.

The word "this" in para 3 of
the Resident's letter of 19/5/1881 to
the District Magistrate of the Civil
Station, seems to have reference

to the absence of any receipt for the issue of an exhibition warrant – It does not seem to mean that the Coorg Station Police could make arrests in Mysore without the intervention of the Mysore Police —

The terms of our order of 22d September 1900 require modification.

B Seshadriengar

16/7/03

To the Dewan.

H 1617

16/7/03

1153e
17.7.03.

17.7.03

03 440

Memdum of 22nd Sept 1900 was issued under the authority of the 1st Council of this State on the question now raised will be of use – Mysore papers may be sent to him for his opinion if he is disposed to record it.

31.VII.03

To the 1

Rs 1
night
5–

It is instructed to
[illegible] as a Scheduled
Case & should be obliged
by its being put in the

28

prescribed form

2/8/1903.

Further instructions solicited.

3/8/3

12012
5.8.03

This is not a scheduled matter - but as he has appealed against the order his views were now asked for as a basis for the decision of this appeal. If these explanations will be deemed sufficient - No form has been prescribed for scheduled cases.

6.VIII.03

To the 1st. Councillor.

7/8/3

Rec'd. 11.8.03

R. 12/8/03.

With every deference I beg to submit that there is a form prescribed for Scheduled Cases, wherein the subject is marked for disposal either at a Meeting or by Circulation.

In regard to the question before me I do not see any necessity for amending or cancelling the order dated 22nd September 1900. The Deputy Commis-sioner may be told in reply that, in the order in ques-tion, the point for decision was whether the Railway Police should have been armed with a warrant from a

Magistrate before they effected an arrest in Mysore territory, and the ruling was that a warrant was × necessary. But the ruling does not authorize the arrest by the Railway Police without the aid of the Mysore Police; nor can the Mysore Police arrest within limits the jurisdiction over which has been ceded to the British Government, without the aid of the British Police.

25th August 1903.

To the Dewan.

27/8/03

12494/27.8.03

04100

Mr II ? Council will kindly note that the 2nd Council states

28.VIII.03

31/8/03

279/31.8.03

In the absence of Local Police assistance a warrant in such cases is necessary - But where such assistance is available there is no need for such a warrant - This was all that was intended by the order referred to - This may be explained to the District Magistrate of Kolar as directed by the 1st Cr - An explanation will secure the purpose quite as well as a modification which latter therefore is not considerable. C Clemenson 1/9/03.

12722/3.9.03

Sent to the Dewan

2/9/03

Read: —

Letter No C.1776
dated 29th May 1913
from the Dy. Comr.
and Dt Magistrate
Kolar Dt requesting
that the powers
of the Mysore Police
to follow up and
arrest offenders
escaping into the
Railway limits
of those Railways
which have been included
over to the jurisdiction
of the British Govt
may be clearly
defined as con-
siderable doubt
exists in the matter,
and stating that
though Govt orders
No 4575-24 dated
J457 22-25

22nd September 1900 defines the powers of the B. & M. Station Police in the matter, it does not clearly define the powers of the Mysore Police

Order thereon:—

The Dy Magte is informed that the principle of the order of 22nd September 1900 quoted above, applies in the case of the Mysore Police and that they may therefore act accordingly.

02434

I shall be glad to be favoured with the views of the Hon'ble Member in this matter

20.VI.03

To the 2nd Councillor-

22/6

23.6.03

Secretary

To. The Dy Magte. K.M.D.

OFFICE OF THE
Rep 1296
1 JUN 1903
1903 J 253
WAGE MYSORE

(1)

From T. C. Carr Esqre
Deputy Commissioner and
District Magistrate
Kolar

To
W. V. Ranjmudayya Esqre
Secretary to the Govern-
-ment of Mysore

Dated 29th May 1903.

Despatched ——

Received 1.6.03

General No. C. 1776
No.

Enclosure No. —

SECTION Police.

FILE No. 33 of 1902-03.

S[illegible] No. 1

Requesting clear orders re the powers of Mysore Police on Railway premises. —

Jud 30.5.03

G 1-6-03

Ref with papers

References sent up

2/6/03

4/6/03

Kolar Deputy Commissioner's office

No. C. 1476 Camp. Nandi Hills. 29th May. 1903.

From,

J. C. Carr Esqre.
Deputy Commissioner &
District Magistrate,
Kolar District.

To,

H. V. Nanjundayya Esqre.
Secretary to the Government of
Mysore - Revenue and General
Departments. —

Sir,

I have the honor to state that considerable doubt exists as to the powers of the Mysore Police with regard to the following up, and arrest, of offenders who having committed, or being suspected of having committed, offences, in Mysore territory escape into Railway limits, of those Railways which have been handed over to the jurisdiction of the British Government. —

2. Under condition 15 of the Instrument of Transfer issued

by the Government of India in March 1881, all lands within the Railway limits have been handed over to the British Government together with plenary jurisdiction within such limits. —

In accordance with the above condition, it is clear that the Mysore Government have renounced all jurisdiction within such Railway limits, and hence the question arises how far the Mysore Police have powers to arrest within Railway premises even in cases of urgency

3. As regards criminal processes it has been held (vide Letter No 104-25 dated 13.4.83 from the Assistant to the Resident in Mysore - published at page 3 under Govt: Proc: No: $\frac{5188-216}{\text{Mis: } 995}$ dated 8.11.1897) that the Civil and Military Station of Bangalore is Mysore Territory, and not part of British India, and that the Extradition

Rules do not apply to it. —— ——
The processes of criminal Courts are therefore freely exchanged, and executed between the Civil and Military Station, and the Territories of Mysore. —

4. In respect to lands within Railway limits, it has been laid down in Government order No 4515-24/J.457 dated 22nd September 1900 ~ on a reference from the District Magistrate of Chitaldrug, that lands within the Railway limits referred to comprise Mysore, not British Territory, though the ~ jurisdiction over it has been ceded to the British Government, and the Police of the Civil and Military Station, Bangalore, may pursue and arrest offenders in any part of Mysore, without a warrant from a Magistrate, in the same way as the Durbar Police". —

F. Police ~ 1899-1900.

The above order makes it clear that the lands within the Railway limits are part of Mysore Territory; but although the powers of the Civil and Military Police are defined, nothing is said as to what powers the Mysore Police can exercise in their turn, within the Railway premises. —

5. If the Mysore Police have no powers of arrest within Railway limits, then many facilities are given to criminals to escape, especially on the Gold Field Railway, which is within a few miles of British Territory, where criminals can only be arrested on extradition warrants. —

I may add that all cognizable offences are not extraditable. If a person accused of a cognizable offence, which is not extraditable, escapes into the British Territory, no further action can

be taken unless he happens to come back into Mysore Territory.

Under these circumstances I respectfully request the Government to clearly define the powers of the Mysore Police on Railway premises, and if necessary refer the question to the Honorable the Resident for his authoritative opinion, as the matter is one which relates to Railway premises within his jurisdiction.

I have the honour to be
Sir,
Your most obedient Servant,

J. C. Cameron
Deputy Commissioner &
District Magistrate
Kolar District.

D.O.

*ffice Draft.* ~~(Docket.)~~ (2)

Mysore Dewan's Office,
Branch.

To

The Supt of Police in Mysore

Date of passing the draft
Date of despatch

SECTION Police

FILE No. 230 of 1902-03.

SERIAL No. 2

Regd. No.
File No. & date (if any)

No. of Encls.

Sir,

I am directed ~~to have the honor~~ to enquire whether the Bangalore City Police make arrests of offenders in the Civil & Military Station, and the Station Police in the City, that is, as a part of their own duty, and not merely by way of helping the authorities of the place concerned. If so, the order or other authority under which the practice has arisen should be specified. If not the procedure in such cases should be indicated.

A very early reply is requested.

I have the honor to be
Sir,
Your obedient servant,

29.6.03

29/6/03

To Asst Sec Judl Branch
Dy 4/7/03

Written note printed
enclosed in full the heavy
underlined in brackets. M/4-7-03

(3)

GOVERNMENT OF MYSORE

Bangalore

SECTION Police 4th July 1903

FILE No. 33 of 1902-03.

No. 3

Dear Mr Anantaswamy Rao,

With reference to your D.O. letter dated the 30th June 1903 requesting to be informed of the procedure adopted in making arrests of offenders in the City by the Civil and Military Station Police and in the latter place by the by the City police, I beg to inform you that the practice is that the local police on being requested by the other Police make the arrest and hand over the arrested person with the permission of the local magistrate and that neither the City Police nor the Station Police make arrests as their own act without reference to the Police of the place . This procedure isin conformity with the instructions

laid

MYSORE GOVERNMENT GENERAL OFFICE
3 AUG 1903

9 166 1.7

From Sg &
Deputy Commissioner
Kolar District

To
H.V. Nanjundayya Esq
Secretary to the Government
of Mysore

4

Dated 30th July 1903

Despatched 1—8

Received 3/4

| | |
|---|---|
| Section Police | General No. C. 252 |
| File No. 33 of 1902-03 | No. |
| Serial No. 1 | Enclosure No. |

Requesting early orders re the powers of Police within Rly limits

Sd
J. S. 01

Avis transmis : Thalaya
une lettre à G.C.
relative au dem
ordre

No. C-252

Kolar Deputy Commissioner's Office.
Camp: Champion Reefs
30th July 1903.

From,

J. C. Carr Esq^re.
Deputy Commissioner,
Kolar District.

To,

H. V. Nanjundayya Esq^re
Secretary to the Government
of Mysore Revenue & General
Department

Sir,

I have the honor to request the favor of a reply to my letter No. C 1776 dated 29th May 1903 requesting an authoritative ruling re the arrest for offences within the Railway limits.

I have the honor to be,
Sir,
Your most obedient servant.

J C Carr
Deputy Commissioner
Kolar District

Read again

Govt order no. 4515-14 J. 451 of the 22nd Sept. 1903, re-grading arrests of offenders in Mysore Territory by the ~~Police~~ Police of the C & M. Stations, as well as Railway Police, in the absence of warrants from competent Magistrates.

SECTION Police
FILE No. 33 of 1902-03
SER'AL No. 5

Read also —

Letter no. C. 1776 of the 1st June 1903 from the D.C. & Sr. Magte, Kolar, soliciting instructions in regard to the powers of the Mysore Police to pursue and arrest offenders escaping into Railway limits under British jurisdiction.

Letter ~~no~~ of the 4th July 1903 (Demi-official) from the Dy. of Police, explaining the practice as regards the exercise of arrests in the C & M Stations on behalf of the Bangalore City Police, and in the City on behalf of the Stations Police

Order thereon 66-68 J7-138 of 02 03 18/9/03

As there appears to exist some misapprehension as to the exact scope of the Order of 22nd Sept.r 1900 (read here), it is observed that the question considered therein was, Whether an arrest in Mysore territory made by the Railway Police with the aid of the local Police, or, to put it more accurately, made by the Mysore Police at the instance ~~of the~~ and in concert with the Railway Police, was irregular by reason merely of the absence of a warrant from a Magistrate in the Civil & Military Station of Bangalore. The ruling ~~in the~~ was that it was not irregular. It was by no means the intention to ~~hold that~~ authorize ~~the officers of the~~ the Railway (~~or other~~ ~~Mysore~~ ~~foreign~~) Police to make arrests in Mysore territory of their own accord and without ~~[illegible]~~ to the local Police.

I would omit "or other foreign" here

2. In the converse case referred to by the ~~Deputy Com~~ of ~~Kolar Kolar & Bangalore~~, it is obvious that the Mysore Police is not competent to make arrests in territory the jurisdiction over which has been ceded to the British Govt., without the intervention of the British Police. This is also the existing practice, and Govt. do not apprehend that it can entail any avoidable practical inconvenience, provided the timely steps are taken to invoke the aid of the local British Police

Print

Hy

8-9-03

Secy

14.1.03

To The ~~I.G.~~ of Police in Mysore
~~The Dt. Magte of Kolar~~
~~Other Dt. Magtes~~
Head Cours of the Districts

C.S. Intimate the orders of Govt. for the time being in force regarding the procedure to be followed by Police officers in the Mysore State in connection with the arrest of persons in British territory.

9.1.03

# 1903-04

# GOVERNMENT OF MYSORE

JUDICIAL

PROCEEDINGS

*Dated 18th September 1903*

No. 660-68
J. F. 138 of 02-03

Passing orders in the matter of arrest of offenders escaping into Railway limits under British jurisdiction.

SBP—23-9-03—200

*Proceedings of the Government of His Highness the Maharaja of Mysore, Judicial, dated 18th September 1903.*

READ AGAIN—

Government Order No. 4515-24—J. 451, dated the 22nd September 1900, regardin arrests of offenders in Mysore Territory by the Police of the Civil and Military Station as we as Railway Police in the absence of warrants from competent Magistrates.

READ ALSO—

1. Letter No. C. 1776, dated the 1st June 1903, from the Deputy Commissioner and District Magistrate, Kolar, soliciting instructions in regard to the powers of the Mysore Police to pursue and arrest offenders escaping into Railway limits under British jurisdiction.

2. Letter dated the 4th July 1903, (demi-official) from the Inspector General of Police, explaining the practice as regards the effecting of arrests in the Civil and Military Station on behalf of the Bangalore City Police, and in the City on behalf of the Station Police.

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No. 660-68—J. F. 138 of 1902-03, DATED BANGALORE, 18TH SEPTEMBER 1903.

ORDER THEREON.—As there appears to exist some misapprehension as to the exact scope of the Order of 22nd September 1900, (read above), it is observed that the question considered therein was, whether an arrest in Mysore Territory made by the Railway Police with the aid of the local Police, or to put it more accurately, *made by the Mysore Police at the instance of and in concert with the Railway Police*, was irregular by reason merely of the absence of a warrant from a Magistrate in the Civil and Military Station of Bangalore. The ruling was that it was not irregular. It was by no means the intention to authorize the Railway Police to make arrests in Mysore Territory of their own act, and without reference to the local Police.

2. In the converse case referred to by the Deputy Commissioner of Kolar, it is obvious that the Mysore Police is not competent to make arrests in territory the jurisdiction over which has been ceded to the British Government, without the intervention of the British Police. This is also the existing practice; and Government do not apprehend that it can entail any avoidable practical inconvenience, provided timely steps are taken to invoke the aid of the local British Police.

H. V. NANJUNDAYYA,
*Secy. to Govt., Gen. & Rev. Depts.*

To—The Inspector General of Police in Mysore.
The Deputy Commissioner, of Kolar District.
The Deputy Commissioners of other Districts.

Exd.—C.R.